

## **REMARKS/ARGUMENTS**

(Please refer to the **Marked-up** version of the **Amendment to the Specification**, and the **Amendment to the List of Claims**, included in the **Appendix**.

### **Amendments to the Specification**

#### **1.- Information Disclosure Statement:**

1.1.- As instructed by the Examiner, Ms. Bena Miller, the Applicant has filled Form **PTO/SB/08A**, and sheets 1 and 2 of 2 of said form are enclosed within the attached **Appendix**

1.2.- At the same time, have been deleted (strikethrough in red color) the list of references cited included in pages 1 and 2 of the Substitute Specification previously submitted, as shown in the Marked up **Amendment to the Specification** enclosed within the attached **Appendix**

1.3.- The phrase “**(Deleted)**”, replacing deleted paragraphs in the Original Specification, has been erased (strikethrough in red color), as shown in the Marked up **Amended Specification** enclosed within the attached **Appendix**.

#### **2.- Drawings:**

Figures 13D and 14E were mentioned in the Substitute Specification by mistake since those figures had been eliminated. To amend that mistake, any reference to them has been deleted from the following paragraphs: [0039] in page 13 and [0040] in page 14, respectively, as shown in the marked up **Amendment to the Specification** enclosed within the attached **Appendix**. Please, refer to the **Replacement Sheets of the Drawings** included within the **Appendix** attached to the **Amendment** dated 02/21/2006 submitted in response to the Office Action Notice of January 31, 2006.

#### **3.- Claims:**

In reference to the arguments exposed in the Office Action Notice to reject all the claims, the Applicant respectfully responds as follows:

3.1.- The prior art patents that the Examiner considered anticipating the object of this patent application have the following differences in relation to it:

- 1) Chan's patent refers essentially to a lollipop with an edible holding stick.
- 2) Plante's patent refers essentially to a lollipop with a chemo-luminescent holding stick .
- 3) In none, Chan's and Plante's lollipops patents, the union between the edible part and the holding stick is movable or articulated.
- 4) In none of those two patents neither the holding stick is washable and reusable, nor the edible parts are replaceable.

- 5) The essence of the current patent application refers to the way in which the edible parts are joined to the holding stick, being the edible parts and the holding stick specially configured to provide a movable or articulated union between them.
- 6) The innovative features of the present application for patent is that it converts the lollipop to a simple toy, in which the edible parts are movable in relation to the holding stick and it makes possible the supply of diverse edible parts and a separate holding stick which can be reusable, providing the user with the option to assemble many different combinations of edible parts onto a same holding stick, while the edible parts can be replaceable as in no previous known lollipop patent without any kind of driving holder involved.
- 7) The author has not found any prior patent of lollipops in which the edible parts can be moved relative to its stick when the user shakes the candy as a simple toy.
- 8) There are multiple candy holding drivers which electrically or mechanically impart movement either to lollipops which are replaceable as a whole, or to special replaceable edible pieces attached to the holder, but, on one hand, those inventions refer to devices of a different category and, on the other hand, in all cases the edible piece is tightly and rigidly attached to a holding stick as in current lollipops, or to a special stem, as in some holders, one of them patented by the Applicant (Pat No.6,135,606 ).

3.2.- All lollipops have edible parts and holding sticks, since those are essential components in any kind of lollipop, so any application referring to lollipops have to mention such elements within the claims.

3.3.- All assembled components require "retaining means" of some sort, such as screws, nuts, clamps, expansion anchors and many different kind of fasteners and fits, which are mentioned in all applications referring to assembled devices.

3.4.- Nevertheless, the Applicant realize that the claims must complain those formal conditions mentioned by the Examiner, and taking into account her remarks, have tried to revise them accordingly.

## INTERVIEW WITH THE EXAMINER

On august 14 the Examiner held a telephone interview with the Applicant during which the Applicant asked for clarifications regarding several aspects contained in the Office Action Notice of June 7, 2006 and, in turn, explained to the Examiner the amendments that are currently submitted in the Marked up Amendment to the Specification to comply with her remarks. Although the claims were discussed, according to the report received from the Examiner, no agreement was reached, but the Applicant hopes that, the Examiner, after reviewing the amendments currently submitted, could provide a valuable assistance to the Applicant for the formal corrections that could still be necessary. Please, refer to the copy of the Interview Summary included in the Appendix.


**Final comments and Statement**

The Applicant respectfully requests, and will greatly appreciate, any possible assistance from the Examiner according to MPEP 714(E) and CFR1.121(g), to amend the remaining formal defects that are impeding the approval of his application for an invention that introduces innovative features in the field of common lollipops.

**The Applicant hereby declares that no New Matter has been added to the Specification.**

The Applicant sincerely hopes that the present response to the Office Action Notice of 06/07/2006 will be satisfactory to clarify the misunderstandings and to amend the insufficiencies and mistakes in the **Substitute Specification** and **New List of Claims** previously submitted, complying with the Examiner's remarks and indications.

Respectfully submitted,



Rodolfo Fernandez Jr.

NOTE: For any further clarifications, please, contact the Applicant at your best convenience  
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AMENDMENT

Applicant: Rodolfo Fernandez  
Examiner: Bena Miller  
Art Unit: 3725



**NO NEW MATTER ADDED STATEMENT**

The undersigned applicant Rodolfo Fernandez, hereby declares that within the Amendment to the Specification mailed on August 26<sup>th</sup>, 2006 in response to the Office Action Notice mailed on June 7<sup>th</sup>, 2006, no new matter has been added in relation to the original Specification submitted with the patent application.

Signed,  on August 26, 2006